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Rhonda A. Etienne 2/28/03  
Rhonda A. Etienne Date

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Achilefu et al.  
Serial No.: 09/981,206  
Filed: October 17, 2001  
Group Art Unit: 1616  
Confirmation No.: 5790  
Examiner: Jones, Dameron  
Title: **CARBOCYANINE DYES FOR TANDEM, PHOTODIAGNOSTIC AND THERAPEUTIC APPLICATIONS**  
Our Ref. No.: MRD-74

Cincinnati, OH 45202

February 28, 2003

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

### RESPONSE TO ELECTION/RESTRICTION REQUIREMENT AND PRELIMINARY AMENDMENT

In response to the Office Action mailed February 4, 2003 in the above-referenced application, applicants elect with traverse Group 1 (claims 1-22), drawn to compounds of Formula 3 and uses thereof wherein  $W_1$  and  $W_2$  are  $-CR^{10}R^{11}$ ;  $Y_1$ ,  $Y_2$ ,  $Z_1$ , and  $Z_2$  are  $-(CH_2)_a-CONH-Bm$ ;  $X_1$  and  $X_2$  are nitrogen;  $Q$  is  $-O-$ ;  $K_1$  and  $K_2$  are  $-CH_2$ ;  $R_1$  to  $R_9$  are hydrogen; and  $R_{10}$  and  $R_{11}$  are  $-C(CH_3)_2$ .

Please amend the application as follows: